

EXHIBIT 3

Prof. Dr. Med. Uwe Klinge

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF WEST VIRGINIA
3 AT CHARLESTON

4 IN RE: ETHICON, INC,) MASTER FILE
5 REPAIR SYSTEM PRODUCTS,) NO. 2:12-MD-02327
6 LIABILITY LITIGATION)
7) MDL NO. 2327
8)
9) JOSEPH R. GOODWIN
10 THIS DOCUMENT RELATES TO) US DISTRICT JUDGE
11 CAROLYN LEWIS, ET AL. V.)
12 ETHICON, INC.)
13 CASE NO. 2:12-CV-04301)

14 THURSDAY, NOVEMBER 14, 2013

15 - - -

16 Deposition of Prof. Dr. Med.
17 Uwe Klinge, Volume I, held at the Quellenhoff
18 Hotel, Monheimsallee 52, 52062 Aachen, Germany,
19 commencing at 9:01 a.m., on the above date,
20 before Carrie A. Campbell, Registered
21 Professional Reporter, Certified Realtime
22 Reporter, Certified Shorthand Reporter,
23 and Certified Court Reporter.

24 - - -

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<p style="text-align: right;">Page 94</p> <p>1 Q. Okay.</p> <p>2 A. But this is the --</p> <p>3 Q. Does the next section --</p> <p>4 A. Compensation is €120,000 and</p> <p>5 then for five years, we got royalties. So</p> <p>6 this is the right of 1.5 percent.</p> <p>7 Q. 1.5 percent of what?</p> <p>8 A. Of the internal -- the internal</p> <p>9 costs, not without the -- so the value of the</p> <p>10 meshes they sold in this time period.</p> <p>11 Q. Okay. For all meshes?</p> <p>12 A. It is not specified here. It</p> <p>13 is not specified. So later on, I know that</p> <p>14 it -- that they took the VYPRO, but they took</p> <p>15 as well VYPRO II and ULTRAPRO™.</p> <p>16 Q. Okay. So you --</p> <p>17 A. It is not limited to VYPRO.</p> <p>18 Q. So you had VYPRO I, VYPRO II</p> <p>19 and ULTRAPRO™ for which you were paid</p> <p>20 royalties?</p> <p>21 A. Yes.</p> <p>22 Q. Okay.</p> <p>23 A. So this was what I learned from</p> <p>24 the letters I got from Ethicon.</p>	<p style="text-align: right;">Page 96</p> <p>1 A. Yes. There is a draft.</p> <p>2 Q. Maybe this is it.</p> <p>3 (Klinge Exhibit 6 marked for</p> <p>4 identification.)</p> <p>5 QUESTIONS BY MR. THOMAS:</p> <p>6 Q. Let me show you what I've</p> <p>7 marked as Deposition Exhibit Number 6.</p> <p>8 What is Deposition Exhibit</p> <p>9 Number 6?</p> <p>10 A. This is a -- so after the</p> <p>11 first -- after this contract stopped in 2005,</p> <p>12 then we had some discussions how to continue</p> <p>13 our collaboration, our work, and this was</p> <p>14 provided in 2009. It was a draft of a</p> <p>15 possible contract consulting agreement, how</p> <p>16 to make the further collaboration.</p> <p>17 Q. Now, last time we were</p> <p>18 together, you testified that the reason why</p> <p>19 you weren't interested in the contract was</p> <p>20 because Ethicon would not allow you to work</p> <p>21 with other manufacturers, that's what I</p> <p>22 recall.</p> <p>23 Is that right?</p> <p>24 A. That is -- that is one aspect</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. Okay. Is that pretty much the</p> <p>2 substance of this contract?</p> <p>3 Is there anything else of</p> <p>4 significance to you in the contract?</p> <p>5 A. Yeah, I think that is -- and</p> <p>6 I'm not -- I'm not allowed to talk to anyone</p> <p>7 else about this agreement. So -- but I was</p> <p>8 told that Ethicon asked for this agreement</p> <p>9 and, therefore, I provided it, but otherwise,</p> <p>10 I would -- I don't hope that I will get in</p> <p>11 conflict by someone else because I open it to</p> <p>12 a third --</p> <p>13 Q. You won't. We arranged that.</p> <p>14 A. Okay. Please --</p> <p>15 Q. She takes down every word, and</p> <p>16 she's very good.</p> <p>17 A. That is so fine.</p> <p>18 Q. Now, I understand from your</p> <p>19 last deposition, I don't want to replot this</p> <p>20 ground, but sometime in 2005, there was a</p> <p>21 discussion about negotiating a new contract?</p> <p>22 A. Yes.</p> <p>23 Q. Did you produce any draft</p> <p>24 contracts to me --</p>	<p style="text-align: right;">Page 97</p> <p>1 of this.</p> <p>2 Q. Okay.</p> <p>3 A. There are several arguments and</p> <p>4 there are always some pros and some cons, but</p> <p>5 overall, it is just consulting. It is some</p> <p>6 money for some time period where you were</p> <p>7 asked and this to the prize that you're not</p> <p>8 allowed to do any other work there.</p> <p>9 Q. Okay.</p> <p>10 A. And I'm not interested in being</p> <p>11 a tester for devices or a consultant, just</p> <p>12 being consulting. I wanted to work on it.</p> <p>13 This would mean when I sign</p> <p>14 this, I may earn some money for some</p> <p>15 consulting activities, but I'm limited in my</p> <p>16 scientific work. And there's no option to</p> <p>17 work scientifically in some projects. That</p> <p>18 was not included in this and that is my major</p> <p>19 criticism to this.</p> <p>20 Q. Exhibit 6 was a document that</p> <p>21 you produced to us.</p> <p>22 Is that the only draft that you</p> <p>23 were able to find?</p> <p>24 A. I'm sure that in the documents</p>

<p style="text-align: right;">Page 334</p> <p>1 limited as the other, yeah, you can 2 think about it, but it doesn't help. 3 QUESTIONS BY MR. THOMAS: 4 Q. Okay. So if you were asked 5 today to find out the rate of complications 6 associated with the risk of the use of mesh 7 for the treatment of stress urinary 8 incontinence, you don't have anyplace to go, 9 is that what you're telling me? 10 MR. ANDERSON: Objection to 11 form. 12 Answer the question. 13 THE WITNESS: The only 14 situation I would think that is 15 relevant if you have a specific 16 patient and she's asking you what do 17 you think is the risk there. 18 QUESTIONS BY MR. THOMAS: 19 Q. So -- 20 A. So then it depends whether it's 21 young, whether there's comorbidities and so 22 on. And then you can say within the first 23 weeks it is a very low risk. That is 24 probably an estimate that you can give.</p>	<p style="text-align: right;">Page 336</p> <p>1 specific situation. 2 MR. THOMAS: Let's stop for the 3 day. 4 MR. ANDERSON: Okay. 5 MR. THOMAS: Thank you, Doctor. 6 (Off the record at 5:57 p.m.) 7 ----- 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24</p>
<p style="text-align: right;">Page 335</p> <p>1 Q. So if a doctor is treating a 2 woman who has stress urinary incontinence and 3 they're discussing about whether to use mesh 4 to treat the stress urinary incontinence, 5 where does the doctor go to understand the 6 nature of the risks associated with that 7 mesh? 8 A. He has to go to his own 9 experience. So whether -- if he made a 10 follow-up investigation of this patient and 11 that is something that has to be required 12 more and more, you need some backup from the 13 surgical communities, you have to re -- or 14 you have to underline the importance of 15 follow-up investigations so that you have 16 your own experience. You have to go to the 17 literature, you have to go -- you take the 18 information of the companies and that is what 19 you can provide to the patient. And you have 20 to think about the long-term -- possible 21 long-term complications and that, yeah -- and 22 you have to address some specific risks of 23 the patient, that is the discussion about the 24 possible disadvantages and advantages in a</p>	<p style="text-align: right;">Page 337</p> <p>1 CERTIFICATE 2 3 I, CARRIE A. CAMPBELL, Registered 4 Professional Reporter, Certified Realtime 5 Reporter and Certified Court Reporter, do 6 hereby certify that prior to the commencement 7 of the examination, Uwe Klinge was duly sworn 8 by me to testify to the truth, the whole 9 truth and nothing but the truth. 10 I DO FURTHER CERTIFY that the 11 foregoing is a verbatim transcript of the 12 testimony as taken stenographically by and 13 before me at the time, place and on the date 14 hereinbefore set forth, to the best of my 15 ability. 16 17 I DO FURTHER CERTIFY that I am 18 neither a relative nor employee nor attorney 19 nor counsel of any of the parties to this 20 action, and that I am neither a relative nor 21 employee of such attorney or counsel, and 22 that I am not financially interested in the 23 action. 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100 101 102 103 104 105 106 107 108 109 110 111 112 113 114 115 116 117 118 119 120 121 122 123 124 125 126 127 128 129 130 131 132 133 134 135 136 137 138 139 140 141 142 143 144 145 146 147 148 149 150 151 152 153 154 155 156 157 158 159 160 161 162 163 164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182 183 184 185 186 187 188 189 190 191 192 193 194 195 196 197 198 199 200 201 202 203 204 205 206 207 208 209 210 211 212 213 214 215 216 217 218 219 220 221 222 223 224 225 226 227 228 229 230 231 232 233 234 235 236 237 238 239 240 241 242 243 244 245 246 247 248 249 250 251 252 253 254 255 256 257 258 259 260 261 262 263 264 265 266 267 268 269 270 271 272 273 274 275 276 277 278 279 280 281 282 283 284 285 286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303 304 305 306 307 308 309 310 311 312 313 314 315 316 317 318 319 320 321 322 323 324 325 326 327 328 329 330 331 332 333 334 335 336 337 338 339 340 341 342 343 344 345 346 347 348 349 350 351 352 353 354 355 356 357 358 359 360 361 362 363 364 365 366 367 368 369 370 371 372 373 374 375 376 377 378 379 380 381 382 383 384 385 386 387 388 389 390 391 392 393 394 395 396 397 398 399 400 401 402 403 404 405 406 407 408 409 410 411 412 413 414 415 416 417 418 419 420 421 422 423 424 425 426 427 428 429 430 431 432 433 434 435 436 437 438 439 440 441 442 443 444 445 446 447 448 449 450 451 452 453 454 455 456 457 458 459 460 461 462 463 464 465 466 467 468 469 470 471 472 473 474 475 476 477 478 479 480 481 482 483 484 485 486 487 488 489 490 491 492 493 494 495 496 497 498 499 500 501 502 503 504 505 506 507 508 509 510 511 512 513 514 515 516 517 518 519 520 521 522 523 524 525 526 527 528 529 530 531 532 533 534 535 536 537 538 539 540 541 542 543 544 545 546 547 548 549 550 551 552 553 554 555 556 557 558 559 560 561 562 563 564 565 566 567 568 569 570 571 572 573 574 575 576 577 578 579 580 581 582 583 584 585 586 587 588 589 590 591 592 593 594 595 596 597 598 599 600 601 602 603 604 605 606 607 608 609 610 611 612 613 614 615 616 617 618 619 620 621 622 623 624 625 626 627 628 629 630 631 632 633 634 635 636 637 638 639 640 641 642 643 644 645 646 647 648 649 650 651 652 653 654 655 656 657 658 659 660 661 662 663 664 665 666 667 668 669 670 671 672 673 674 675 676 677 678 679 680 681 682 683 684 685 686 687 688 689 690 691 692 693 694 695 696 697 698 699 700 701 702 703 704 705 706 707 708 709 710 711 712 713 714 715 716 717 718 719 720 721 722 723 724 725 726 727 728 729 730 731 732 733 734 735 736 737 738 739 740 741 742 743 744 745 746 747 748 749 750 751 752 753 754 755 756 757 758 759 760 761 762 763 764 765 766 767 768 769 770 771 772 773 774 775 776 777 778 779 780 781 782 783 784 785 786 787 788 789 790 791 792 793 794 795 796 797 798 799 800 801 802 803 804 805 806 807 808 809 810 811 812 813 814 815 816 817 818 819 820 821 822 823 824 825 826 827 828 829 830 831 832 833 834 835 836 837 838 839 840 841 842 843 844 845 846 847 848 849 850 851 852 853 854 855 856 857 858 859 860 861 862 863 864 865 866 867 868 869 870 871 872 873 874 875 876 877 878 879 880 881 882 883 884 885 886 887 888 889 890 891 892 893 894 895 896 897 898 899 900 901 902 903 904 905 906 907 908 909 910 911 912 913 914 915 916 917 918 919 920 921 922 923 924 925 926 927 928 929 930 931 932 933 934 935 936 937 938 939 940 941 942 943 944 945 946 947 948 949 950 951 952 953 954 955 956 957 958 959 960 961 962 963 964 965 966 967 968 969 970 971 972 973 974 975 976 977 978 979 980 981 982 983 984 985 986 987 988 989 990 991 992 993 994 995 996 997 998 999 1000</p>